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**TELECONFERENCE MINUTES
NOVEMBER 14, 2005**

Call to Order

The Board of Environmental Review's special meeting was called to order by Chairman Russell at 12:05 p.m., on Monday, November 14, 2005, in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

Attendance

Board Members Present: Robin Shropshire

Via Telephone: Chairman Joe Russell, Don Marble, Kim Lacey, Bill Rossbach, and Heidi Kaiser

Board Members Absent: Gayle Skunk Cap

Board Attorney Present: Katherine Orr, Attorney General's Office, Department of Justice

Board Secretary Present: Joyce Wittenberg

Department Personnel Present: Tom Livers, Deputy Director; John North, Chief Legal Counsel; Art Compton, Planning, Prevention & Assistance Division Administrator

Interested Persons Present (*Disclaimer: Names are spelled as best they can be read from the official sign-in sheet.*): Todd Evertz, Environmental Quality Council; Harmon Ranney; Jon Metropoulos

Via Telephone: Mike Reisner, Northern Plains Resource Council (NPRC); Kendall Van Dyke, NPRC

- I. In the matter of the request to extend the comment period regarding the proposed amendments to ARM 17.30.670 and 17.30.1202 pertaining to nondegradation requirements for electrical conductivity and sodium adsorption ratio and definitions for technology-based effluent limitations and the adoption of new water quality Rules I through X pertaining to minimum technology-based controls and treatment requirements for the coal bed methane industry.

Mr. Livers explained that there was some interest in extending the public comment period for this rulemaking. He said there are two studies being done, one by the Department of Energy and the other by industry, which will take into account some economic impact information, neither of which is anticipated to be ready before late December. He reminded the Board that the DEQ had been petitioned by Legislators to conduct an economic impact analysis of the rulemaking, with a statutory deadline of December 31, 2005.

Mr. Livers said if the Board wanted to have final adoption of the rule at its February 3 meeting, then an extension of the comment period deadline to January 6 is recommended.

Chairman Russell called for a motion to adopt the amended notice with language to extend the comment period until January 6, 2006. Ms. Lacey so MOVED. Mr. Marble SECONDED the motion.

Mr. Rossbach was concerned about when the industry would be available. Further discussion took place regarding the proposed deadline and the probability of taking up the matter at the April meeting instead of the February meeting, thereby providing more time for interested parties to respond to comments and to the reports.

Ms. Lacey RESCINDED her motion. Mr. Marble CONCURRED.

Mr. Rossbach MOVED for the close of the comment period to be extended to January 27. Ms. Lacey SECONDED the motion. Further discussion took place. The motion CARRIED with a unanimous VOTE.

Chairman Russell called for public comment on the matter.

Mr. Reisner said the petitioners would do their best to respond within the timeframe given, though he felt they would need about two weeks to respond to the reports.

Mr. Metropoulos said he would relay the strong suggestion that the reports be submitted as soon as possible. He said the purpose of the request for extension was to be able to submit helpful comments to the Board on the DEQ's Economic Impact Statement, not simply to submit other studies.

II. General Public Comment

Chairman Russell opened the floor for general public comment. No one responded.

III. Adjournment

Chairman Russell called for a motion to adjourn. Ms. Lacey so MOVED. Mr. Marble SECONDED the motion. The motion CARRIED.

The meeting adjourned at 12:38 p.m.

Board of Environmental Review November 14, 2005, minutes approved:

JOSEPH W. RUSSELL, M.P.H.
CHAIRMAN
BOARD OF ENVIRONMENTAL REVIEW

DATE